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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,836	07/14/2003	Madis Staub	422/1	4350

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EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/618,836	STAUB ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James R. Brittain	3677	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 4 are indefinite wherein terms are utilized without introduction. The following terms are used without any prior introduction in the claims: “said seat belt buckle” (first used in line 2 of each claim); “said tip” (line 2 of each claim); and “the elements” (claim 3, line 24; claim 4, line 26). Each of these terms needs to be introduced either with an indefinite article or no article, whichever is appropriate in context, and then followed by the use of definite articles. The limitation “and receiving device” (line 3 of each claim) appears to be a double inclusion of structure and it is not clear if it is the same subject matter as previously defined in line 1 as there is no other receiving device. Claim 2 is indefinite because it depends from an indefinite claim. The claims are written in non-idiomatic English and examples are the following: “an U-shaped frame” (claim 3, line 4; claim 4, line 5) should read --a U-shaped frame-- because the indefinite article *a* is used before words beginning with consonant sounds including /y/; and “with pushing spring” (claim 3, line 20; claim 24, line 22) should read -- with a pushing spring--.

### ***Double Patenting***

Applicant is advised that should claim 4 be found allowable, claim 2 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oskarovich (RU 2125396) in view of Nanbu et al. (US 5280669).

Oskarovich (figures 1-24) teaches seatbelt structure including a tongue having an opening at the tip of the tongue, a housing, a U-shaped frame, a latch 10, a blocking device 18 with a pushing spring and 31, a pushbutton 38, a pusher 25 with a pushing spring 28 and an anchoring element for securing the buckle to the body of a motor vehicle. The latch 10 as shown in figure 8 has recesses 17a in its side walls in order to receive the blocking member 18. The difference is that the latch fails to additionally have two supports for the blocking device. However, Nanbu et al. (figures 5a-5c) teaches seatbelt buckle structure including a pushbutton 7, blocking device 6, 6a and a latch 5, wherein the lead line for reference 5 ends on a portion of the latch that defines a recess. The right hand side of the recess is defined by a support 41. The recess so defined allows for receipt of the blocking device 6, 6a when the latch is moved to the open position while

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the support 41 presents movement of the blocking device 6, 6a by the interposed blocking member 40 when subjected to large acceleration forces. As it would be beneficial for the buckle of Oskarovich to remain latched when subjected to large acceleration forces, it would have been obvious to modify the buckle of Oskarovich so that the side walls of the latch have supports that would interact with the blocking device in order to prevent its movement when the buckle is subjected to large acceleration forces as taught by Nanbu et al. who indicate that it is desirable to provide a support device upon the latch that extends vertically upward so that the blocking device can be prevented from movement when the buckle is subjected to large acceleration forces.

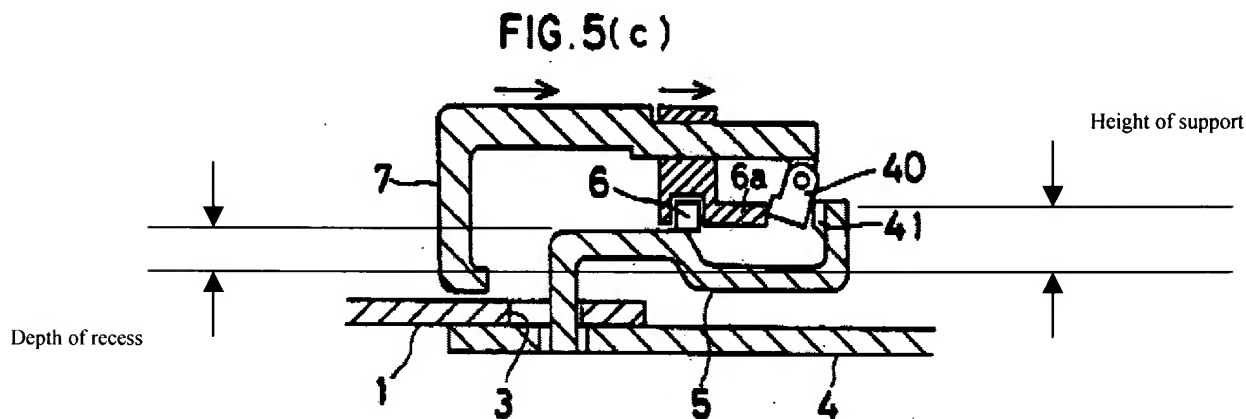
### ***Response to Arguments***

Applicant's arguments filed March 30, 2006 have been fully considered but they are not persuasive. Applicant argues that Nanbu et al. the support 41 on the rear of the latch 5 “does not engage the locking member 6 at all. Therefore, the projection 41 is not the equivalent functional equivalent of the supports for the blocking member of the herein claimed invention” (remarks, page 6, ¶9, lines 2-4). Claim 3 does not state that the support of the latch contacts the blocking device or “engage” the locking member. Instead all that is required is support and support is provided via the blocking member 40 as clearly shown in figure 5c. Applicant utilizes the open-ended language “comprises” in claim 3, line 3 and such language permits the inclusion of other structure such as the pivoted blocking member 40. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant further argues (remarks, page 7, ¶1):

Furthermore, neither reference discloses that "the supports for the blocking device and the front edges of the recesses of the symmetrical walls of the latch define a gap in between them, and the height of the supports for the blocking device is equal to or exceeding the depth of said recesses of the symmetrical walls of the latch." This too is a distinguishing feature of the instant claimed invention.

The argument is not persuasive because figures 5(a) through 5(c) clearly show that the support 41 is higher than the depth of the recess.



### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

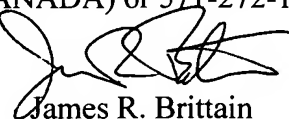
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB